

Buehner, J

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STEVEN WYNN, ELAINE WYNN,
WYNN RESORTS LIMITED AND
WYNN RESORTS L.L.C.

Plaintiffs,

vs.

LEXINGTON INSURANCE COMPANY, and
ALLIED WORLD ASSURANCE COMPANY (US)
INC.,

Defendants.

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Civil Action No. 07 CV 7604 (NRB) (MHD)

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**STIPULATION AND [REDACTED]
ORDER FOR MOTION BRIEFING
SCHEDULE**

WHEREAS, Plaintiffs served on Defendants a summons and complaint (the "Complaint") on or about August 7, 2007, filed in the Supreme Court of New York, County of New York;

WHEREAS, Defendants have removed said action to this Court by way of Notice of Removal, filed and served on August 27, 2007;

WHEREAS, Defendants filed with this Court and served on the Plaintiffs an Answer and Additional Defenses on or about January 30, 2008;

WHEREAS, the Plaintiffs desire to file an amended complaint in the present action;

WHEREAS, the parties to this action have agreed that a stay of discovery pending a decision of Defendants Motion to Compel Appraisal and to Stay the Pending Action; and


WHEREAS, the parties to this action have agreed to the following briefing schedule on Defendants' Motion to Compel Appraisal and to Stay the Pending Action;

IT IS HEREBY AGREED THAT:

1. Plaintiffs shall be permitted to amend the Complaint as they see fit (the "Amended Complaint"), but no such Amended Complaint shall be filed later than April 21, 2008.
2. Defendants shall file a Motion to Compel Appraisal and to Stay the Pending Action on or before May 9, 2008. The parties shall brief said motion pursuant to the following schedule:
 - a) Defendants' Papers in Support of Motion: May 9, 2008
 - b) Plaintiffs' Opposition to Motion: May 23, 2008
 - c) Defendants Reply to Opposition: May 30, 2008
3. All fact discovery and Defendants obligation to respond to any Amended Complaint shall be stayed pending this Court's ruling on Defendants' Motion to Compel Appraisal and to Stay the Pending Action.


Dated: New York, New York
March 31, 2008

**BUCHANAN INGERSOLL &
ROONEY PC**

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Lexington Insurance Company and
Allied World Assurance
Company (US) Inc.

Dated: *April 4, 2008*

SO ORDERED:



Hon. Naomi R. Buchwald, U.S.D.J.